IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 19505 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ULLASHBHAI PARSHOTAMBHAI PATEL
Versus
THE ADDITIONAL CHIEF SECRETARY(APPEALS) AND OTHERS

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Appearance :
MR RJ OZA for the Petitioner
MR SY CHHAYA ASSISTANT GOVERNMENT PLEADER for Respondent Nos.1 and 2
MR TJ PATEL for Respondent Nos.3 to 6

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 18/10/2007

ORAL JUDGMENT

1. By order dated 22.08.2007 while issuing Rule, respondent No.1 – Additional Chief Secretary (Appeals) was directed to allow the

petitioner to be joined as party respondent in Revision Application Nos.6 and 7 of 2006 and after hearing all the concerned parties, to decide the aforesaid Revision Applications as expeditiously as possible, preferably on or before 16.10.2007.

2. Heard Mr.R.J.Oza, learned advocate for the petitioner, Mr.Stayam Chhaya, learned Assistant Government Pleader for respondent Nos.1 and 2 and Mr.Trilok J.Patel, learned advocate for respondent Nos.3 to 6.

3. Mr.R.J.Oza, learned advocate for the petitioner, places on record a copy of order dated 16.10.2007, whereby Revision Application Nos.6 and 7 of 2006 are decided by the Secretary (Appeal).

The order passed by the Secretary (Appeal) is against the petitioner, but then, for that the petitioner will have to take recourse to the remedy available to them under the law.

4. Mr.R.J.Oza, learned advocate for the petitioner, submitted that the Secretary (Appeal), while deciding the Revision Application Nos.6 and 7 of 2006 by order dated 16.10.2007, has directed the Collector to decide the case after hearing the applicants.

The petitioner is not the applicant and therefore, they apprehend that the Collector, while deciding the matters, may not grant opportunity of hearing to the present petitioner. Learned advocate Mr.Oza seeks a direction to the effect that the petitioner be also

heard by the Collector while deciding the matter. The request is reasonable, the same is granted. The Collector is directed to hear the petitioner also while deciding the matters.

5. The petition is disposed of. Rule is made absolute. No costs. Direct service is permitted.

(RAVI R.TRIPATHI, J.)

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